

REMARKS/ARGUMENTS

The final office action of September 21, 2010 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Since the independent claim has been significantly amended as well as new claims have been added, this response is being filed with an RCE to ensure entry of the amendment. As new the new claims will require further additional examination, an RCE is proper and applicant requests that the first Office Action be non-final.

Support for Claim Amendments

The applicant amended the claims in accordance with the examiner's comments and provides the following support.

1. Amendments to claim 21 are made in consideration of the examiner's comments. A part of the amendments belongs to the adjustment in format and is made in the hope of claim 21 has a more clear protection scope. Another part of the amendments concerns the amendments to the names of the cooperating systems and the specific definition of the structural constitutions of the respective systems.

The water recycling utilization system, electrical supply system, temperature and humidity regulating system, light transmitting structural system, sewage recuperating and purifying and recycling system and monitoring control system and the structural constitutions thereof are basically the contents of previous claim 22 and those in the internationally published specification and drawings.

The air conditioning transmitting recycling system and the structural constitution thereof are supported by the English translation of the internationally published specification, page 47, lines 7-15 and the contents of previous claim 22.

The flat laid irrigation system and the structural constitution thereof are supported by the English translation of the internationally published specification, page 49, last two lines and figure 2.

The flat laid heating system and the structural constitution thereof are supported by the English translation of the internationally published specification, page 50, lines 1-5 and figure 2.

The energy saving illumination system is supported by the English translation of the internationally published specification, page 103, line 2 from the bottom to page 104, line 2.

2. Claim 42 contain structural forms added therein, which are supported by the structural forms as recited in previous claim 21.

3. The amendments to claim 56 are supported by the English translation of the internationally published specification, the description of the embodiment as shown in figure 6.

4. New claim 62 is supported by the English translation of the internationally published specification, figure 2 and the description of the embodiment as shown in figure 2, particularly the contents on page 49, line 2 from the bottom to page 50, line 5.

5. New claim 63 is supported by the English translation of the internationally published specification, figure 2 and the description of the embodiment as shown in figure 2, particularly the contents on page 49, line 2 from the bottom to page 50, line 5.

6. New claim 64 is supported by the English translation of the internationally published specification, figure 2 and the description of the embodiment as shown in figure 2, particularly the contents on page 47, lines 7-15.

7. New claim 65 is supported by the English translation of the internationally published specification, figure 7 and the description of the embodiment as shown in figure 7, particularly the contents on page 76, lines 12-25.

8. The other amendments to the claims belong to the adjustment in format for making them more clear and are fully supported by the English translation of the internationally published specification and the drawings.

Objection to the Claims:

Claims 32, 42 and 47 remain objected to for the use of the terms Yixue, Taiji, and Gua. Firstly, the applicant respectfully notes that actually it is claims 21, 32, 42 and 60 that include the

above mentioned terms. Secondly, the applicant maintains the opinions as submitted when responding to the previous Office Action. For example, the following are quotes taken directly from MPEP 2141.03:

The person of ordinary skill in the art is a hypothetical person who is presumed **to have known the relevant art** at the time of the invention. Factors that may be considered in determining the level of ordinary skill in the art may include: (A) "type of problems encountered in the art;" (B) "prior art solutions to those problems;" (C) "rapidity with which innovations are made;" (D) "sophistication of the technology; and" (E) **"educational level of active workers in the field."** In a given case, every factor may not be present, and one or more factors may predominate." (emphasis added)

The "hypothetical 'person having ordinary skill in the art' to which the claimed subject matter pertains would, of necessity ***have the capability of understanding the scientific and engineering principles applicable to the pertinent art.***" (emphasis added)

The relevant art for the terms Yixue, Taiji, and Gua is art relating to Chinese architecture. The educational level of active workers in the field is the educational level necessary to be skilled in the art of Chinese architecture. The hypothetical person has the capability of understanding the scientific and engineering principles applicable to Chinese architecture.

Thus, one skilled in the art would be one skilled (educated) in the art of Chinese architecture. Many people in the United States study Chinese architecture and many are even experts in the field. Such would be the same for someone skilled in the art of classical architecture (columns etc.) or Spanish architecture (adobe roofs etc.) The relevant art of this application is the art including Chinese architecture. Further, the specification provides an explanation of these terms. The specification of the present application, page 93, line 3, to page 94, line 11, describes building structures of Yixue, Taiji, Eight Gua graphics form and figure 9 clearly shows the specific structure forms. Buildings of Yixue type, Taiji graphics type, Eight Gua graphics type are structure combination forms in the present application. The principles of Yixue, Taiji, Eight Gua graphics are integrated with the tridimensional ecological building structure comprising ecological system.

All these are not disclosed in the cited References and possess novelty. A person skilled in the art can understand these form of combination after reading the specification. The examiner is requested respectfully to withdraw this objection.

Rejection under 35 U.S.C. § 112

Claims 21-37, 39-46, 48-61 are rejected for that a large degree of alternative-type language included in the claims render them indefinite. In view of this rejection, the applicant amends claim 21 to make it meet the examiner's requirement:

“said one building” is determined as being the multifunctional combined ecological architecture as shown and depicted in figure 1 of the specification of the present application. No amendments are made to the “said more buildings”. This is because of that what is depicted by “said one building” is the functional structure of the ecological building according to the present application. The building function structure in said one building and the ecological system form the several contents of the subject matter of the present invention. Said more buildings are continuous expansion and supplements to the ecological system and functional structure of said one building when a plurality of novel tridimensional ecological building structures with various functions. Therefore, the current claim 21 determines the combination relation of “one building” and “more building”.

The applicant cannot agree with the examiner. The applicant believes that the claims are clear and definite in protection scope though they use a large degree of alternative type language. The one building and more buildings in claim 21 have various kinds of building structures and various systems, so, alternative-type language is necessary to protect these possible alternatives. The applicant tries his best to reduce and cancel some of the alternative-type language. Because the existence of a plurality of kinds of building structure and a plurality of kinds of systems, part of the alternative-type language is kept. But, for each specific system or structure, the alternative-type language is appropriate.

Meanwhile, in order to move the application towards allowance, the applicant amends claim 21 and cancels unnecessary alternative-type language to the best of possibility and applicant replaces part of the alternative type language by language of “and/or” so that the claims are more concise.

The applicant believes that through the above amendments and submission of opinions, the rejection that the claims are indefinite has been addressed. Withdrawal of this rejection is requested.

Rejection under 35 U.S.C. § 101:

Claims 21-37, 39-46, 48-61 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically the term “said first ecological architecture structure for organism and said second ecological architecture structure..., and include plants, animals, a water resource and human cultural sights therein.” The applicant emphasizes again that “include plants, animals, a water resource and human cultural sights” in the present applicant means the architecture structure thereof, instead of the animals and plants in nature and satisfies the provisions of 35 U.S.C. § 101 and belongs to patentable subject matters. The applicant also makes amendments to the claim and replaces the previous “include plants, animals, a water resource and human cultural sights therein” by “are used for plants, animals, a water resource and human cultural sights” so that the claim is more clear. Withdrawal of this rejection is requested.

Rejections under 35 U.S.C. § 102

Claims 21-22, 32, 42-43 and 48 stand rejected under 35 U.S.C. 102(b) as being anticipated by Whitaker, Agricultural Buildings and Structures, or in the alternative under 35 U.S.C. 103(a) obvious over Whitaker, Agricultural Buildings and Structures in view of Placencia, U.S. 5, 862, 544 and Albers, U.S. Patent 4, 008, 689, further evidenced by the current state of zoos, botanical gardens, college campuses, plantations, and farms. Applicant respectfully traverses this rejection.

The Applicant's Arguments

Applicant has provided the following arguments for the Examiner's consideration:

Independent claim 21

It is noticed that it is mentioned by the examiner in the Office Action that “Whitaker (Agricultural Buildings and Structures(referred to as D1 hereinafter)) discloses...said one or more buildings have a tridimensional ecological structure (A TREE) and includes an aboveground part (see p. 9), an underground part, or both...; the tridimensional ecological structure of one or more

buildings comprises a plurality of layers of ecological environment (streams, hills, trees, water cycle, nitrogen cycle),..., said tridimensional ecological structure...has a fixed type of organism cultivation device (a pot for a plant or a trellis for vines), said device being vertically developed or horizontally developed ”.

Firstly, in the examiner’s comments of this portion, it is incorrect for the examiner to consider that the “tree” is equivalent to the “tridimensional ecological structure” in claim 21. The “tridimensional ecological structure” in claim 21 does not indicate the plant or animal per se, but indicates the “tridimensional ecological architecture structure” providing space or place for growth of plants or animals, and thus is not the same as the “tree” as understood in the Office Action. Claim 21 is amended by the applicant to clarify this point. The amended claim recites “said one building has a tridimensional ecological architecture functional structure” to clarify this point. The rejection in the Office Action that the “tridimensional ecological architecture structure” is disclosed by “tree” does not stand any more naturally.

Secondly, in the comments of this portion, it is further considered by the examiner that the feature “the tridimensional ecological structure of one or more buildings comprises a plurality of layers of ecological environment” in claim 21 is disclosed by the “streams, hills, trees, water cycle, nitrogen cycle”. The applicant believes that this is incorrect as well. As stated in the response to the previous Office Action, the “streams, hills, trees, water cycle, nitrogen cycle” on earth only constitutes one layer of natural ecological environment. The natural environment on earth where natural resources are deficient and the land is limited cannot satisfy the requirements of the long-term living and development of human. However, according to the contents disclosed in the specification and the object of the instant invention, it can be understood that the “plurality of layers of ecological environment” in claim 21 is a plurality of layers of ecological environment that is to be provided by a plurality of layers ecological architecture structures constructed by human. From the ecological building of tridimensional land type and underground ecological building for organism cultivation of movable type as disclosed by the specification of the present application, it can be seen that from the underground, on the ground to the air, a plurality of organism ecological spaces. Thus, the plurality of layers ecological architecture structures provides the plurality of layers of ecological environment, the number of which is several times larger than the sole layer of the natural ecological environment on earth. Each layer of the plurality

of layers of the ecological environment provided by the plurality of layers of ecological architecture structures can include one layer of “streams, hills, trees, water cycle, nitrogen cycle”. Accordingly, the plurality of layers of the ecological environment provided by the plurality of layers ecological architecture structures can accommodate a plurality of layers of “streams, hills, trees, water cycle, nitrogen cycle”. According to requirements of human’s surviving and development, the number of the layers of the plurality of layers of the ecological environment provided by the plurality of layers ecological architecture structures can be designed as large enough. Furthermore, the amended claim 21 recites the specific structural feature “the tridimensional ecological architecture functional structure of said one building comprises a plurality of layers ecological architecture structures for organisms” to define structural properties of the claimed multifunctional tridimensional combined ecological architecture. The technical feature regarding the one or more building or the combination of the buildings providing plurality of layers of ecological architecture structures in claim 21 presented in view of the problems of damaging of the natural environment, deficiency of natural resources and insufficiency of land neither is disclosed or taught by D1 (Whitaker), D2 (US5862544) and D3 (US4008689), nor is disclosed or taught by college campuses, plantations, farms, zoos and botanical gardens before the date of the instant invention, and cannot be readily conceived of by a person of ordinary skill in the art. Meanwhile, the applicant makes specific definition to the plurality of layers of ecological spaces. A plurality of building structure systems such as openable and closable structure, multiple layers of organism ecological space of movable type, ecological building of tridimensional land type, tridimensional ecological building of tree frame type, Taiji Graphics type, Eight Gua graphics type etc., and multifunction ecological structure and cooperating systems and each of the plurality of buildings are different from the complete contents of the cited References. These would not be readily conceived of by a skilled person in the art. This feature renders claim 21 be novel and be not obvious.

In the Office Action, it is further mentioned by the examiner that the previous claim 21 includes the technical feature “said at least one building and systems combined in a manner of part of complete combination, and Whitaker at the least discloses the combination in part”.

The applicant disagrees with this view of the examiner due to the following reasons:

Even if according to the understanding of the examiner (of course, the understanding is incorrect), some of elements in previous claim 21 can be omitted, after the applicant amends claim 21 to recite said one and more buildings, the contents of the present application are clearer. According to the disclosure of the description, especially to the object of the invention, the above mentioned technical features “the tridimensional ecological architecture functional structure...comprises a plurality of layers of ecological architecture structures for organisms” cannot be omitted. Further, these technical features are not disclosed in D1 so that claim 21 possesses novelty. In addition, the combination of these technical features are neither disclosed nor suggested by D2, D3 or campus, plantation, farm, zoo or botanical garden before the present invention. Thus claim 21 is non-obvious with respect to them.

The applicant makes amendments to the cooperating systems in claim 21 as below: defining the cooperating systems as multifunctional cooperating systems; replacing the previous “water recycling system” by “water recycling utilization system”; amending the previous “electrical system” to read as “electrical supply system”; amending the previous “ventilation system” to read “air conditioning transmitting recycling system”; amending the previous “light transmitting system” to read as “light transmitting structural system”; “a flat laid irrigation system, a flat laid heating system, amending the previous “methane systems” to read as “sewage recuperating and purifying and recycling system”; amending the previous “illumination system” to read as “energy saving illumination system”; amending the previous “control system” to read as “monitoring control system”. The applicant also makes definitions to the structural constitutions of the respective systems in claim 21. So, they can be distinguished from the terms of cooperating systems such as “electrical system” and “methane system” in the cited References cited by the examiner.

The respective systems and various kinds of structures in claim 21 are different from the various kinds of systems and structures in the References cited by the examiner. Explanations of examples are given below:

In claim 21, the ecological spaces formed by the combination of the openable and closable structure with the first ecological architecture structure and the second architecture structure are combined. The opening and closing device structure is not single. Moreover, the opening and

closing device structure may be provided with skylight and door and windows in combination. Therefore, the opening and closing device structure in claim 21 and the “skylight” and “door windows” mentioned by the examiner are of two different functions. The opening and closing device structure in claim 21 has a large area and is a special ecological architecture structure that is larger, instead of being equal to, than the skylight and door and windows and is a special structure combined with organism rooms. All the cited References do not disclose such device structure. The skylight and door and windows as mentioned by the examiner are for light transmission and for peoples’ entry and exist, while the opening and closing device structure according to the present application is for the organism production, so that the organisms in the opening and closing device structure are in two conditions, indoor and outdoor, in warm house and in nature. The opening and closing device structure according to the present invention has novelty.

The air conditioning transmitting recycling system in claim 21 comprises an air input/output device, an oxygen supply device, an air purifying and recycling device, a sanitation device, a separated air channel system, an unitary air channel system, an ecological room. This is different from the “ventilation system” in D1 chapter 16.

The sewage recuperating and purifying and recycling system in claim 21 comprises sewage recuperating pipes, a sewage classification device, a polluted water purifying device, a methane tank, a methane storing and utilization device, building methane heating and power generation device. This sewage recuperating and purifying and recycling system differs from the methane system in D1 pages 339 and 394.

Moreover, the applicant also adds into claim 21 a flat laid irrigation system and a flat laid heating system. Furthermore, the specification and the drawings have many kinds of systems that are not added into claim 21. This demonstrates that the present application is formed by numerous systems in combination. So, the use of complete or part combination in claim 21 is reasonable.

If the examiner considers that certain system is identical to any system in claim 21, please point out clearly so that the applicant makes explanation, changes or deletion.

The applicant not only makes amendments to the respective systems in claim 21, for example, replacing the previous “ventilation system” by “air conditioning transmitting and

recycling system”, but also makes definition to the structural constitution thereof, to demonstrate our system is different from the respective systems in D1. The systems in D1 are planar while our systems are tridimensional. For example, the separated air channel system and unitary air channel system in the “air conditioning transmitting recycling system” are tridimensional. A tridimensional building structure is different from a planar building structure and is novel. Similarly, other systems are also novel. There are big difference between the tridimensional cooperating systems of tridimensional building structure and the planar system of planar building structure. Meanwhile, each of the cooperating systems of multiple functions in the present application is novel. Therefore, the multifunctional cooperating systems according to the present application are novel.

The applicant makes amendments to the claims in accordance with the examiner’s requirement that the claims should be amended. The amended claims are novel from architecture structure, cooperating systems and combination relation and meet the condition of allowance.

Claim 21 has another feature of “combined”. As defined in claim 21, said one building or said more buildings of the multifunctional tridimensional combined ecological architecture are combined with the systems in a manner of part or complete combination; said one building and said more buildings of the multifunctional tridimensional combined ecological architecture are combined completely or partly or provided singly; said one or more buildings in claim 21 are combined into a tridimensional ecological town or a tridimensional ecological village. So, in claim 21, the architectural structure relation and combination of the one building and the more buildings are defined clearly and the examiner’s rejection as to indefiniteness of the claims is addressed.

Further, for the situation with more buildings, said more buildings comprise at least one of the following ecological architecture structures: Taiji graphics type, Eight Gua graphics type, hood type, frame hood type, tree frame type, tridimensional land type, tridimensional awning type, combined frames type, turret frame type, combined passage type, hacienda type, ecological village type, ecological town type, tridimensional ecological river type, tridimensional ecological bridge type, tridimensional ecological road type, tridimensional ecological wall type and organism cultivation mechanical frame type. All these types of structures forms are clearly explained and presented in the description and attached drawings, and are different from the agricultural

buildings disclosed by D1 *Agricultural Buildings & Structures*. The technical solution of claim 21 cannot be anticipated by D1 because of each specific type of structure form. This further enhances the novelty and non-obviousness of claim 21 in the situation in which more buildings are combined.

The examiner indicates that claims 21-22, 32, 42-43 and 48 stand rejected under 35 U.S.C. 102(b) as being anticipated by Whitaker, *Agricultural Buildings and Structures*, or in the alternative under 35 U.S.C. 103(a) obvious over Whitaker, *Agricultural Buildings and Structures* in view of Placencia, U.S. 5, 862, 544 and Albers, U.S. Patent 4, 008, 689, further evidenced by the current state of zoos, botanical gardens, college campuses, plantations, and farms. The applicant does not agree to the examiner's position. The examiner's point that campuses, farms destroy the novelty or non-obviousness of the present invention is incorrect. The ecological architecture of multiple structural forms recited in claim 21 are not disclosed or suggested in the References, zoo, plantations, colleague campuses, botanical gardens as cited by the examiner. All the one building, more buildings and cooperating systems according to the present invention are not possessed by the References, zoo, plantations, colleague campuses, botanical gardens as cited by the examiner. So, the combination body of more buildings and one building is novel. Such a combination body is a combination among the one building and more buildings and cooperating systems and forms a tridimensional ecological town or tridimensional ecological village. The combination body of the more buildings and one building according to the present application is a combination within the contents of the present application and does not include any structural element in the References, colleague campuses, farms, plantations. Even the part combination does not include the elements in D1 *Agricultural Buildings and Structures*. Such a combination differs completely from colleague campuses, farms and plantations. Even if they are combined, they differ from the present invention. The present application possesses novelty.

In addition, the applicant also notices that the examiner mentions "Whitaker discloses...said cooperating system comprising a water recycling system (plants inherently perform these functions, furthermore, examiner takes official notice that water recapture and treatment is known to persons of ordinary skill in the art; it would have been obvious to a person of ordinary skill in the art at the time of the invention to use water recycling systems because water delivery and treatment from a central plant uses an excessive amount of energy that causes it to be

comparatively inefficient and less economical than water recapture and treatment on location, as taught by Placencia, U.S. Patent 5, 862,544)". The applicant does not agree to these opinions. The following parts are detailed explanations in combination with analysis with reference to D2.

D2 (US5862544) only discloses an apparatus for recapture of fresh water flow released from a shower head (12) (see abstract of D2). The invention disclosed by D2 is to provide an easy to use fresh water recapture device which can divert, collect and store fresh water used in a period when the bather does not require the water, such as during water temperature adjustment or during shampooing (see col.1 lines 49-57 in D2). D2 does not relate to water cycle system on the spot as mentioned in previous claim 21, and does not belong to a water cycle system. The water cycle system in previous claim 21 is not the same as the apparatus for recapture of idle shower water in D2. D2 only gives technical teachings of collecting idle shower water from a shower head, but does not relate to a water cycle system treating water on the spot. The point made by the examiner "it would have been obvious to a person of ordinary skill in the art at the time of the invention to use water recycling systems because water delivery and treatment from a central plant uses an excessive amount of energy that causes it to be comparatively inefficient and less economical than water recapture and treatment on location, as taught by Placencia, U.S. Patent 5, 862,544" is incorrect. D2 does not give technical teachings of disposing water cycle system for treating water on the spot in a building with a plurality of layers of ecological architecture structure which provides a plurality of layers of ecological environment for treating and recycling water on the spot.

Furthermore, the water recycling utilization system according to the present application comprises a precipitation gathering and purifying device, a sewage water recuperating and classification and purifying device, an external water resource input device, a device for filtering and purifying water from air, a sanitation device, a water reservoir device and a water supply device. Any one in the water recycling utilization system is that not possessed by the water system disclosed by D1. The water recycling utilization system according to the present invention is a complete system and is novel.

In the office action, the examiner also mentions "examiner takes official notice that if methane is contained and removed it is obvious to a person of ordinary skill in the art to store it in

tanks because methane is a source of energy and as such, it is desirable to capture it for use, as taught by Albers, U.S. Patent 4,008, 689)". The applicant does not agree to this opinion. The particular analysis is made with reference to D3.

D3 relates to waste treatment systems and more particularly to waste conversion facilities where animal waste is converted to methane gas and to fertilizer (see col.1 lines 7-11 in D3). However, the waste conversion facilities are located close to housing for livestock. The claims of the present application recite a methane system provided in buildings so as to satisfy the need of energy of the people living there. D3 does not disclose the concept of design of disposing conversion facilities in a building with a plurality of layers of ecological architecture structures which provide a plurality of layers of ecological environment as presented by the present application nor give the technical suggestions of such design.

Moreover, in the amended claim 21, the previous "water recycling system" and "methane system" are replaced by "water recycling utilization system" and "sewage recuperating and purifying and recycling system" respectively. And the specific structural constitutions of these two systems have been recited in the amended claim 21. The "water recycling utilization system" and "sewage recuperating and purifying and recycling system" with the specific structural constitutions in claim 21 differ from the methane system in D2 and D3 as cited by the examiner and possess novelty and non-obviousness.

The "sewage recuperating and purifying and recycling system" has also features of heating via methane ridge structure, functional devices of power generation via methane and utilization, utilization of methane for heating, power generation, classification and sewage purifying and water recycling utilization. See the English translation of the internationally published specification of the PCT application, page 48, line 12 to page 49, line 4. The sewage recuperating and purifying and recycling system according to the present application possesses novelty.

Through analysis of D2 and D3, it is further shown that claim 21 possesses novelty and non-obviousness.

Any one of the cooperating systems of the buildings or one building in claim 21 is not disclosed in the cited Reference *Agricultural Buildings and Structure*, college campuses, farms

and plantations and possesses novelty. If the examiner considers that the present application contains a system that is identical to what is disclosed by the cited Reference, please point out this, so that the applicant may make continuous explanation, changes or deletion.

Dependent claims

The following are analysis to dependent claims:

In case the independent claim 21 possesses novelty over D1 or campus, plantation, farm, zoo, and botanical garden before the present invention, and has non-obviousness over D1, D2 and D3 and campus, plantation, farm, zoo, and botanical garden before the present invention, the dependent claims possess novelty and involve non-obviousness.

Rejections Under 35 USC§ 103

Claims 23-31, 33-37, 39-41, 44-46 and 49-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitaker, *Agricultural Buildings and Structures*.

The Applicant's Arguments

Applicant has provided the following arguments for the Examiner's consideration:

Claim 21

As analyzed when the applicant comments on the novelty, the applicant amends claim 21 to clarify its technical features of novelty over prior art.

Technical features “the tridimensional ecological architecture structure of said one building comprises a plurality of layers of ecological architecture structures for organisms” adopted in amended claim 21 for solving the problem of shortage of land area and natural sources are neither disclosed by “streams, hills, trees, water cycle and nitrogen cycle”, nor disclosed or suggested by D1, D2 (US5862544), D3 (US4008689), and campus, plantations, farm, zoo, and botanical garden before the present invention mentioned in this Office Action. It is not easy to be thought of by a person skilled in the art so that claim 21 possesses novelty and non-obviousness.

The more buildings in claim 21 must comprise at least one of ecological architecture structures of Taiji graphics type, Eight Gua graphics type, hood type, frame hood type, tree frame

type, tridimensional land type, tridimensional awning type, combined frames type, turret frame type, combined passage type, hacienda type, ecological village type, ecological town type, tridimensional ecological river type, tridimensional ecological bridge type, tridimensional ecological road type, tridimensional ecological wall type and organism cultivation mechanical frame type. All the structures in these forms are clearly explained and indicated in the description and the attached drawings and they are different from agricultural architectures disclosed by D1. Each of the specific forms of structure makes the technical solution of claim 21 neither be anticipated by D1, nor disclosed or suggested by D2, D3, and campus, plantations, farm, zoo, and botanical garden before the present invention because of each specific structure. Therefore, the technical solution of claim 21 including more buildings also has non-obviousness.

Moreover, as analyzed when the novelty is discussed, the amended claim 21 defines “the buildings that are combined into a tridimensional ecological town or a tridimensional ecological village” differ from the houses or facilities for specific enterprises that are independent from each other and are not combined in D1.

Because not only the architecture structure of one building and more buildings in claim 21 is not disclosed by the cited References, college campuses, farms and plantations, each of the cooperating systems in claim 21 is not disclosed or suggested by college campuses, farms and plantations. Therefore, the one building, more buildings and cooperating systems in combination are not suggested by and not obvious over the cited References, college campuses, farms and plantations. The tridimensional ecological town or tridimensional ecological village that are combined completely or partly are not disclosed or suggested by the cited References, college campuses, farms and plantations. Therefore, the present application not only has novelty but also non-obviousness and meets the conditions of allowance and approval is requested respectfully.

Claim 21 of the present application has realized its object of invention: to protect environment, to control desert and flood, to increase land sources, to increase ecological tridimensional space, to provide material wealth to human beings, to change the living method of human being to a new living method of tridimensional ecological life, and to solve the problem of substantial development. Claim 21 can realize this object. However, D1, D2, D3 and campus, plantations, farm, zoo, and botanical garden before the present invention cannot realize this object.

Thus claim 21 is non-obvious with respect to D1, D2, D3 or campus, plantations, farm, zoo, and botanical garden before the present invention. No doubt claim 21 has non-obviousness.

The examiner considers that “it would have been obvious to a person skilled in the art...to have installed in and around a system of buildings each of these well known devices and systems. The motivation to combine each of these systems would have been to form a sustainable location that meets all of a community’s needs”. The applicant believes that the concept that in one building, which comprises a plurality of layers of ecological architecture structures for organisms, “place for human cultural activities”, at least one of “a first ecological architecture structure for organisms” and “a second ecological architecture structure for plants, animals, and a water resource”, “an organism production system including an organism cultivation device”, and “cooperating systems” are combined into a tridimensional ecological town or a tridimensional ecological village is not disclosed or suggested by the cited References, D1, D2, D3, and college campuses, farms, botanical gardens and plantations before the invention date of the present invention and is not obvious. There is no such a motivation in the prior art before the invention date of the present invention. It belongs to the hindsight for the examiner to consider such combination is obvious after knowing the present invention.

With regard to the specific analysis of the non-obviousness of the dependent claims, the applicant has submitted detailed arguments when responding to the previous Office Action. The applicant maintains his opinions as submitted and no more repetition of them is necessary.

Regarding the examiner’s comments in Item 10 of the Office Action that the examiner himself is unfamiliar with “Taiji”, “Yixue” and “Gua” and other examiners are also unfamiliar with these terms, the applicant cannot agree to the examiner’s opinions. The applicant believes that a person of ordinary skilled in the art is not an actual skilled person in the United State of America, but instead a hypothetical person. Such a person can clearly understand these terms. The use of these terms in the claims will not cause the claims unclear.

Regarding the examiner’s opinion in Item 11 of the Office Action that a tree is a tridimensional ecological structure, the applicant has following opinions: the amended claim 21 recites “said one building has a tridimensional ecological architecture functional structure, ...the tridimensional

ecological architecture functional structure of said one building comprises a plurality of layers of ecological architecture structures for organisms”. Claim 21 recites “tridimensional ecological architecture functional structure” while a tree is not an architecture functional structure. So, the “tridimensional ecological architecture functional structure” in claim 21 can be distinguished clearly from “tree” cited by the examiner. Moreover, the amended claim 21 clarifies that “the tridimensional ecological architecture functional structure...comprises a plurality of layers of ecological architecture structures for organisms”. A tree cannot compare to “the tridimensional ecological architecture functional structure” as so defined in claim 21.

With regard to the opinion of the examiner mentioned in Item 12 that the “layers of ecological environment” is examined with the broadest reasonable interpretation, the applicant’s opinions are follows: The amended claim 21 clarifies that “the tridimensional ecological architecture functional structure...comprises a plurality of layers of ecological architecture structures for organisms”. The “streams, hills, trees, water recycle, and nitrogen cycle” do not belong to “plurality of layers of ecological architecture structures”.

With regard to the examiner’s opinion that alternative-type language in claim 21 cause indefiniteness as in Item 13, the applicant believes that the alternative-type language in claim 21 do not render the claim unclear in scope.

In Item 14, the examiner mentions that D 1 discloses “combining one or more buildings, combined to form the 3-D ecological architecture device having various functions, and the buildings can optionally be selected to be combined to achieve the beneficial effect of protecting ecological environment and promoting diverse development of organisms and maintaining sustainable development of humans”. The applicant’s arguments are as follows: the examiner’s point of view belongs to hindsight after knowing the present invention. What are disclosed by D1 are traditional agricultural buildings. Each time an agricultural building of the kind as in D1 is constructed, a piece of land is occupied an a portion of natural resource (including water, plants and animals etc.) is consumed, resulting in consumption of natural resource and damage to environment. On the contrast, the multifunctional tridimensional combined ecological architecture as defined in claim 21 comprises a building that comprises both the tridimensional ecological architecture functional structure comprising a plurality of layers of tridimensional ecological

architecture structures for providing a plurality of layers of ecological spaces for growth of plants or cultivation of animals and ecological architecture structure for providing place for human habitat. Such a building differs apparently from the agricultural buildings in D1. The building in claim 21 increases the land in times on earth and really realizes the object that a building protects the environment and provides creation to the environment, unlike the traditional buildings that caused damages to the environment. Each time a multifunctional tridimensional combined ecological architecture as defined in claim 21 is constructed, a new type of living environment is created on earth, which can be used both for human habitat and for the growth of plants and cultivation of animals and can increase the land on earth in times. The multifunctional tridimensional combined ecological architecture according to the present invention makes human and animals and plants live in harmonization to each other and makes human and environment harmonize with each other and solves the problem of sustainable development of human. This is clearly different from the traditional agricultural buildings which still utilize or waste the resources on earth in the traditional manner.

With regard to the examiner's indication that the claims contain too many alternative expressions as in Item 15, the applicant makes amendments to the claims. Still in this Item, the examiner mentions "note that combining a series of known elements in such a way that yields no unexpected or extraordinary results has been held to be obvious to persons of ordinary skill in the art". The applicant's arguments are as follows: The multifunctional tridimensional combined ecological architecture as presented by the present invention brings extraordinary effects: increasing land for the growth of plants or cultivation of animals; places for human cultural activities and organism cultivation building structure and cooperating systems are combined sufficiently and multifunction is really realized. Such a building provides protection to the environment and contributes largely to the sustainable development of human beings. The applicant believes that hindsight should be avoided when non-obviousness is determined. Suppose a person of ordinary skill in the art reads D1, 2 and 3 or college campuses, plantations, farms, zoos and botanical gardens before the invention date of the present invention, without reading the specification and claims of the present application, it is hardly imaginable that he could easily conceive of the concept of the multifunctional tridimensional combined ecological architecture as defined in claim 21 which has the above features and advantageous effects.

After the above analysis, it can be seen that all the claims possess novelty and non-obviousness with respect to D1, D2, D3 and campus, plantations, farm, zoo, and botanical garden before the present invention. Therefore, withdrawal of the rejections to the claims is requested.

CONCLUSION

In conclusion, the applicant believes that the present invention differs from D1 and campus, plantations, farm, zoo, and botanical garden before the present invention at least in the following aspects: 1) The amended claim 21 comprises specific structural features “said one building has a tridimensional ecological architecture functional structure,...the tridimensional ecological architecture functional structure of said one building comprises a plurality of layers of ecological architecture structures for organisms”. The multifunctional tridimensional combined ecological architecture as defined in claim 21 which has these features can solve the problem that the land on earth is lacking, prior buildings damage the environment and cannot protect it, and can bring the advantageous effect of increasing the organism growth space on earth in times, and solve the problem of sustainable development of human. 2) In the multifunctional tridimensional combined ecological architecture as defined in claim 21, in one building, which comprises a plurality of layers of ecological architecture structures for organisms, “place for human cultural activities”, at least one of “a first ecological architecture structure for organisms” and “a second ecological architecture structure for plants, animals, and a water resource”, “an organism production system including an organism cultivation device”, and “cooperating systems” are combined to form a tridimensional ecological system. This reflects the feature of multifunctional combination. This also makes the place for human cultural activities to be combined with a plurality of layers of ecological architecture structures providing a plurality of ecological spaces for the growth of organisms and brings the advantageous effects that human and organisms live in harmonization and grow in parallel and develop in parallel. This further solves the problem of sustainable development of human society. At least on the basis of these distinguishing features, a person of ordinary skill in the art cannot obviously conceive of the multifunctional tridimensional combined ecological architecture as defined in claim 21. Claim 21 possesses novelty and non-obviousness. 3) The amended claim 21 also recites “said more buildings are combined into a tridimensional

ecological town or a tridimensional ecological village”. The houses for specific enterprises as listed in D1 are independent to each other and not combined and are different from claim 21.

Furthermore, the applicant has already amended the contents of the “compete or part combination” in previous claim 21.

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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